

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VERONICA MADDY,

Plaintiff,

- against -

COMPLEXIONS, INC.,

Defendant.

22-cv-4952 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

On January 13, 2023, the plaintiff in this action filed a stipulation of voluntary dismissal with prejudice. However, the stipulation was deficient because it was not "signed by all parties who have appeared," as is required after the defendant has served an answer. Fed. R. Civ. P. 41(a)(1)(A)(ii). The parties were notified of this deficiency on the docket, but to date, no updated stipulation has been filed.

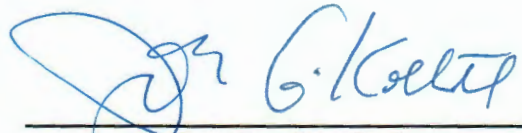
Accordingly, because the litigation has been inactive for seven months, and because the terms of the plaintiff's January 13, 2023 stipulation are favorable to both the plaintiff and the defendant, the Court construes that stipulation as a request by the plaintiff to dismiss the action via court order pursuant to Federal Rule of Civil Procedure 41(a)(2). See Fed. R. Civ. P. 41(a)(2) ("Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper."). The Court **grants** the

request for dismissal on the terms set forth in the January 13, 2023 stipulation, which provides that "the above-entitled action against all Defendants shall be and hereby is dismissed . . . with prejudice; without costs, or disbursements, or attorneys' fees to any party." ECF No. 12. See, e.g., Beer v. John Hancock Life Ins. Co., 211 F.R.D. 67, 68 (N.D.N.Y. 2002) ("It is evident that neither plaintiff nor defendants wish to continue this litigation. Because plaintiff is willing to dismiss the litigation with prejudice and there is no evidence of prejudice to defendants by such a dismissal and no other interests are at stake here, plaintiff's motion to discontinue the action with prejudice is granted.").

Thus, this action is **dismissed with prejudice**, without costs, disbursements, or attorneys' fees to any party. The Clerk is respectfully directed to close this case.

SO ORDERED.

**Dated: New York, New York
July 18, 2023**



John G. Koeltl
United States District Judge